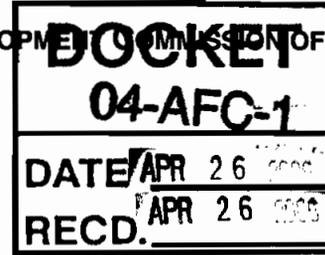


BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA



IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
SAN FRANCISCO ELECTRIC RELIABILITY
PROJECT

DOCKET No. 04-AFC-1

**RULING RE PBNA/DNA MOTIONS to LATE FILE TESTIMONY
and
ADD CONDITION for COMMUNITY BENEFITS FUNDS**

I. BACKGROUND

On April 21, 2006, intervenors Potrero Boosters Neighborhood Association (PBNA) and Dogpatch Neighborhood Association (DNA) filed a Motion requesting: 1) leave to late-file testimony, apparently concerning local PM_{2.5} mitigation; and 2) include as a Condition of Certification the requirement that Applicant provide one million dollars in funding to support tree planting and indoor air improvement activities.

II. DISCUSSION

PBNA and DNA request leave to late file testimony based on the assertion that they "truly" present the project area's residents and businesses. Their joint area of interest appears to be locally focused PM_{2.5} offsets. The intervenors fail to indicate why they waited until this late date to indicate the desire to file testimony.

We admonish these parties – and all others – that while participation in our process carries with it certain rights, it also entails certain responsibilities. One of these is the duty to attend events such as the April 3, 2006 Prehearing Conference, and make clear in a timely manner the intention to present witnesses and provide testimony. Both PBNA and DNA failed to do this. Nevertheless, the requested late filing apparently will be limited in scope and will not delay evidentiary hearings. These intervenors may therefore serve and file their testimony concerning the PM_{2.5} offset program no later than May 1, 2006.

We deny the Intervenor's request to include a condition requiring the inclusion of a community benefits package at this time. We have not yet held hearings on this matter,

and therefore have no evidence to support, or refute, the propriety of its inclusion. This request is therefore premature.

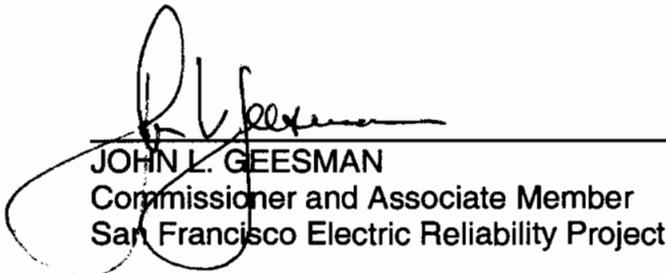
III. RULING

The Motion of intervenors PBNA and DNA (April 21, 2006) is GRANTED in part and DENIED in part as discussed above.

Dated April 26, 2006, at Sacramento, California.



JAMES D. BOYD
Commissioner and Presiding Member
San Francisco Electric Reliability Project AFC Committee



JOHN L. GEESMAN
Commissioner and Associate Member
San Francisco Electric Reliability Project AFC Committee

Proof of Service List (Revised on 2/17/06)
filed with Original Document. Mailed from
Sacramento on April 26, 2006).

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO ELECTRIC
RELIABILITY PROJECT

Docket No. 04-AFC-01
PROOF OF SERVICE
**Revised 2/17/06*

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
DOCKET UNIT, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Also send a printed or electronic copy of all documents to each of the following:

APPLICANT

Barbara Hale, Power Policy Manager
San Francisco Public Utilities
Commission
1155 Market Street, 4th Floor
San Francisco, CA 94102
BHale@sfgov.org

Applicant Project Manager
Karen Kubick
SF Public Utilities Commission
1155 Market St., 8th Floor
San Francisco, CA 94103
kkubick@sfgov.org

APPLICANT'S CONSULTANTS

Steve De Young
De Young Environmental Consulting
4155 Arbolado Drive
Walnut Creek, CA 94598
steve4155@astound.net

John Carrier
CH2MHill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2943
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeanne Sole
San Francisco City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlet Place
San Francisco, CA 94102-4682
Jeanne.sole@sfgov.org

INTERESTED AGENCIES

Emilio Varanini III
Special Counsel
California Power Authority
717 K Street, Suite 217
Sacramento, CA 95814
drp.gene@spcglobal.net

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814

Donna Jordan
CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
djordan@caiso.com

Dept. of Water Resources
SERS
Dave Alexander
3301 El Camino Avenue, Ste. 120
Sacramento, CA 95821-9001

INTERVENORS

*** Jeffrey S. Russell**
VP West Region Operations
Mirant California, LLC
P.O. Box 192
Pittsburg, California 94565
Jeffrey.russell@mirant.com

*** Mark Osterholt**
Mirant California, LLC
P.O. Box 192
Pittsburg, California 94565
mark.osterholt@mirant.com

Michael J. Carroll
Latham & Watkins LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
michael.carroll@lw.com

Potrero Boosters Neighborhood
Association
Dogpatch Neighborhood Association
Joseph Boss
934 Minnesota Street
San Francisco, CA 94107
joeboss@joeboss.com

San Francisco Community Power
c/o Steven Moss
2325 Third Street # 344
San Francisco, CA 94107
steven@sfpower.org

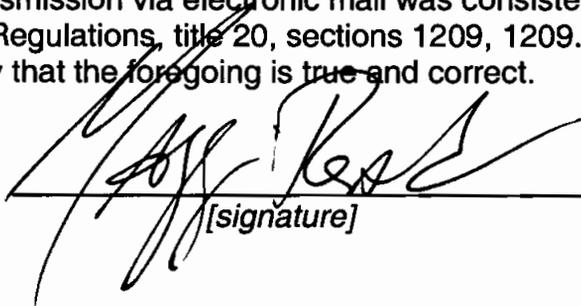
Californians for Renewable Energy, Inc.
(CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, California 95073
michaelboyd@sbcglobal.net

Lynne Brown – Member, CARE
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, California 94124
L_brown123@yahoo.com

Robert Sarvey
501 West Grantline Road
Tracy, CA 95376
sarveyBob@aol.com

DECLARATION OF SERVICE

I, Maggie Read, declare that on April 26, 2006, I deposited copies of the attached Ruling re: San Francisco Power Motion, in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.


[signature]

**CEC INTERNAL
DISTRIBUTION LIST ONLY**

Parties DO NOT mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

JAMES D. BOYD, Commissioner
Presiding Member
MS-34

JOHN L. GEESMAN, Commissioner
Associate Member
MS-31

Stan Valkosky
Hearing Officer
MS-9

Bill Pfanner
Project Manager
MS-15

Dick Ratliff
Staff Counsel
MS-14

Margret J. Kim
Public Adviser
MS-12